the redress of every wrong. As Brougham long ago said, 'The law must not be dear, but cheap; not a sealed book, but an open letter; not the two-edged sword of craft and oppression, but the staff of honesty and the shield of innocence.'

"The attacks which Mr. Roosevelt and some newspapers have been making of late on the courts are based upon the theory that the judges, who are authorized only to interpret the Constitution and the Statutes, must decide, not what the law is, but what it should be. So long as we have written Constitutions and Statutes which bind the courts, the judges have no right to be governed in their opinions by what they think the people may want for the hour. Till public opinion has caused the Constitution and the Statutes to be regularly changed to conform to the wishes of the people themselves, the judges must not yield to public clamor nor to what the people may seem, for the time, to want. A judge who decided, not what the law now is, but what the people, without changing the letter of the law, want it to be, would be unworthy of his place. All the judges were once practising lawyers and, as lawyers, they may have been biased unduly in favor of old legal theories; but the people, to get relief, must make the Constitution and the Statutes so plain and imperative that no upright judge can err as to the meaning. Then, if the judge fails to do his duty, he should be removed, if sitting for life, or be defeated, if sitting for a term. Our judges and lawyers have been educated in, and are accustomed to, an antiquated system of procedure. We can and should promptly change that; but the fundamental principles of the substantive law can be safely changed only by amendments to our Constitution and Statutes. The Judges cannot veer about to suit popular feeling, much less to gratify hasty, popular clamor in favor of new theories and untried experiments in socialistic legislation, even though it appeals to our sense of justice."

R. H. G.

Technicality and Crime.—Judge George Hillyer, in the *Atlanta Constitution,* recently made the following comments under the title "Technicality Responsible for Foul Crimes and Mob Violence."

"The real fault, certainly the greatest part of the fault, lies in the forms of judicial procedure under which there are so many technicalities and delays as that when one of these horrible crimes occur, good men in the community have not sufficient assurances that the course of the law will result in administering the needed punishment. These delays are not the fault of the judge, or of the sheriff, or sheriff's officers, or of the jurors. They are the fault of the law. It is easy to amend the law, and to give to the courts and its officers the necessary power. So that the verdict and judgment of the courts may be speedy and true and may be promptly executed.

"We began an agitation in the State Bar Association of Georgia as far back as 1894. Governor McDaniel, of Walton county, was, with the writer, on one of the committees which recommended the needed reforms in many of these matters. During the last session of our State legislature it was my privilege to assist Mr. Edwards, one of the members of the legislature from Walton county, to draw up a series of bills which he wanted to introduce, and did introduce, but which, so far as I know, never reached a vote.

"So there is a special misfortune that just at the beginning of this session, the people of Walton county, who are deserving, at least, of some credit,

should be brought to the front for censure in these matters. I am sorry the lynching occurred, and earnestly persuade and argue, and pray against the occurrence of a lynching anywhere and everywhere. It is better to appeal to the legislature for redress, as *The Constitution* has been so nobly doing in this present crisis; just as it has done for years past. Let the woman or girl victim testify by interrogatories, under well-guarded rules. Let motions for new trials be made short. Let it be understood that in these rape cases the wicked perpetrators cross the dead line, and that when there is an immediate, open and fair trial, with the verdict of an intelligent jury, that shall end it! When I say a verdict, I mean a true verdict, and let such a verdict be followed by the immediate execution of the penalty—the just penalty—such as the law pronounces against such evildoers. And let it follow publicly and openly, in the county where the crime was committed, very speedily, only three or four days, or less, after the date of the crime; and my word for it, both the crime of rape and the lynchings will nearly or quite disappear, and no longer occur or be repeated as a reproach to our civilization.

"Similar reforms are, of course, needed throughout the whole domain of criminal procedure. The National Bar Association of the United States, a few years ago, recommended almost the same reforms in criminal procedure that were recommended by the above-named committee of the Georgia Bar Association, sixteen years ago. Nearly the same reforms were after that recommended by the judiciary committee of the House of Representatives at Washington, though only part of them finally found effect or consummation in an act of Congress. Like reforms, during the intermediate period, were recommended by President Roosevelt, and also by President Taft.

"President Taft repeated these recommendations twice in his annual messages to Congress. Great leading periodicals, such as *The Journal of the Institute of American Criminal Law,* published at Urbana and Chicago, Ill., with scores and, indeed, hundreds of the leading publications of the country have followed and done the same thing. Again and again the great religious bodies of the country have spoken out on the same line. Our State Bar Association has more than once taken decided action. At the recent session of that body, only a few weeks ago, at St. Simons Island, Ga., the Georgia State Bar Association spoke out most emphatically, and took steps looking toward the creation of a committee that should formulate and recommend the proper changes and reforms, including the procedure and administration for the enforcement of the criminal law.

"Can we ever forgive ourselves if, in the conflict between the military and the mob, a thing sure to happen if the legislature does nothing, and in the conflict a hundred or more valuable lives are lost? Can anybody deny that, as was said by one of our great religious bodies, our laws ought to be 'so amended that all men may know the courts have both the will and the power to do sure and immediate justice in every case?" R. H. G.

Judge Rodenbeck on Reform.—The *Central Law Journal* says:

"At the last meeting of the New York State Bar Association, Judge Adolph J. Rodenbeck read a paper on 'The Reform of Procedure in the Courts of New York,' which has been printed in pamphlet form and extensively circulated. Judge Rodenbeck was one of the Board of Statutory Consolidation and some